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FISCAL IMPACT STATEMENT

LS 6624

BILL NUMBER: SB 352

NOTE PREPARED: Feb 15, 2013

BILL AMENDED: Feb 14, 2013

SUBJECT: School Policies on Gang Activities.

FIRST AUTHOR: Sen. Hershman

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

Educational Outreach and Training: The bill allows that the Indiana Safe Schools Fund to be used to provide educational outreach and training to school personnel concerning the identification and prevention of and intervention in criminal gang activity.

Model Development: The bill requires the Indiana Department of Education (Department) to develop model educational materials and a model policy concerning criminal gang activity. It requires the Department, in collaboration with certain other agencies and organizations with expertise in criminal gang education, prevention, and intervention, to identify or develop model education materials and develop a model policy to address criminal gangs and criminal gang activity in schools.

Criminal Gang Policy: The bill requires the governing body of each school corporation to develop and maintain a criminal gang policy. It requires each school corporation to develop: (1) an educational criminal gang awareness program for students, school employees, and parents; and (2) a school employee development program to provide training to school employees in the implementation of the school corporation's criminal gang policy.

Reporting Requirements: The bill requires, beginning in 2017 and each year thereafter, each school corporation to submit a report to the Department outlining the activities undertaken by the school corporation to address criminal gang activity. It requires, beginning in 2017 and each year thereafter, the Department to submit a report to the governor and the general assembly regarding criminal gang activities in schools.

Notification: The bill requires a school employee to report any incidence of suspected criminal gang activity, criminal gang intimidation, or criminal gang recruitment to the principal and the school safety specialist.

State Police Assessment: The bill requires the state police Department to conduct an assessment to map gang activity and identify existing services and programs and to report the results to the Department by July 1, 2014.

Technical Correction: The bill also makes a technical correction.

Effective Date: July 1, 2013.

Explanation of State Expenditures: Summary:

(1) *Educational Outreach and Training:* The fiscal impact should be minimal. For both FY 2012 and FY 2013 approximately \$750,000 was appropriated for school safety specialist training, and the Specialist Training Academy is already incorporating training on criminal gang activity in its curriculum. For example, in September 2011, the Academy co-sponsored a free workshop on gang activity for school safety leaders.

(2) *Model Development, Reporting Requirements:* The bill's requirements are within the agencies' routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

(Revised) (3) *State Police Assessment:* To implement this provision, the State Police would probably have to establish a new office to collect the specified data. The State Police Legal Office estimates that the office would require at least four officers at a cost of \$270,000 annually, not including supervisory personnel, office equipment and computer support.

Additional Information:

Educational Outreach and Training: Under current law, the Indiana Safe School Fund provides funding for various types of school safety programs. Under this bill, funding would be extended to train school personnel in identifying, preventing, and intervening in criminal gang activities.

(Revised) *Model Development:* This bill requires the Department, in collaboration with the Indiana Criminal Justice Institute, the Indiana Department of Child Services, the Center for Evaluation and Education Policy at Indiana University, the Indiana State Police Department, and any organization with expertise in criminal gang education and prevention, to identify or develop evidenced based model education materials on criminal gang activity, and to establish a model policy to address criminal gang activity in schools.

The model policy, which would be available by July 1, 2015, is to be used to assist school corporations in designing their own policy on gang activity. The two core principles of the policy include the development of educational materials for both parents and students and a model criminal gang policy. The model criminal gang policy covers criminal gang activity in schools, procedures for prompt reporting and investigation, information on the types of family support services available, and recommendations on maximizing federal funding and community participation.

As part of this initiative, the Department would also have to develop a curriculum to be used to train school

safety specialists on how to identify, prevent, and intervene in criminal gang activity. Under current law, the safety specialists have to be trained in identifying, preventing, and intervening in bullying incidents, and this would be a natural addition to its current training.

(Revised) *Reporting Requirements*: Under this provision, beginning November 1, 2017, the Department has to submit an annual report to the Governor and the General Assembly outlining what initiatives school corporations have undertaken to oppose gang activity and what the Department has done to assist schools in implementing these initiatives. The Department would also have to develop the forms on which the corporations would outline the policies implemented to combat criminal gang activities.

(Revised) *State Police Assessment*: According to State Police officials, the agency receives gang related information from two sources: the Indiana Fusion Center, and from a survey sent out to local entities. The data from the Fusion Center are considered "criminal intelligence information", and under federal regulations, cannot be disclosed to non-criminal justice agencies. Similarly, the Department has to sign a memorandum of agreement with local entities that the reported data would be only disclosed to criminal justice agencies. As a result, an independent office, not affiliated with the current data collecting operation, would probably have to be established.

Explanation of State Revenues:

Explanation of Local Expenditures: *Summary*: The bill's requirements are within each school corporation's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Additional Information:

(Revised) *Criminal Gang Policy*: Under the bill, school corporations (not including charter schools), in consultation with parents, employees, local law enforcement, a juvenile court judge, a behavioral or mental health professional, and applicable organizations, would be required to develop and maintain a criminal gang policy. In concert with this initiative would be an education program for students, school employees, and parents, and a training program for school employees. The policy must be established by June 1, 2016. The school corporation must submit the policy to the Department. The policy would be based on the model provided by the Department. Additionally, at a minimum, it would be published on the corporation's website and in the student handbook.

The bill leaves it up to the corporation's discretion if it wishes to establish a program to provide criminal gang intervention services to students. If the corporation chooses to do so, the bill directs that the governing body form an advisory committee made up of a cadre of individuals similar to those with whom it developed its criminal gang policy.

(Revised) *Reporting Requirements*: The bill requires that beginning in June 1, 2017, and each year thereafter, each school corporation submit a report to the Department outlining the activities undertaken by the school corporation to address criminal gang activity. The reported data must include the number of investigations disposed of internally and the number referred to local law enforcement, disaggregated by race, ethnicity, age and gender.

Explanation of Local Revenues:

State Agencies Affected: Department of Education; Indiana Criminal Justice Institute; Indiana Department of Child Services; Indiana State Police

Local Agencies Affected: School corporations.

Information Sources: State Budget Agency website: <http://www.in.gov/sba/2364.htm>;
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